

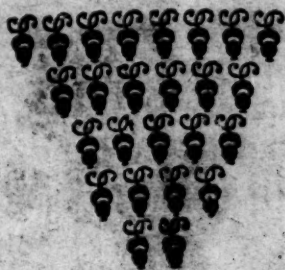
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THE
Present State
OF
JACOBITISM
IN
ENGLAND.

A Second P A R T.

In ANSWER to the FIRST.



LONDON: Printed in the Year. MDCCII.

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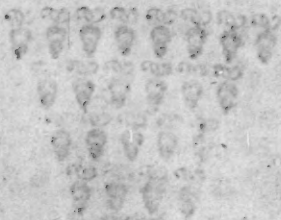
THE STATE OF TEXAS,

JACOB TISMAN

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THE
Present State
OF
JACOBITISM
IN
England, &c.

That the *Past* and *Present* State of *Jacobitism* in *England*, was and is a State of Vexation and Trouble, Suffering and Affliction, is sensibly felt by all those who sustain that Denomination, notoriously evident to the whole Nation, and own'd in particular by this Author, and some others, who make that Consideration one Argument to induce them to take the Oaths, that thereby they may exempt themselves from that Suffering Condition under which they have lain for so many Years.

In this Case, no Man nor Party of Men, need any Eloquence to persuade the World, that they Act with the great-

est clearness and Sincerity, if they are heartily desirous to have their Sufferings commiserated, their Burdens lightned, the Rigors against them moderated and qualified; For altho' we are taught in the School of Religion, that Afflictions have their Benefit, that Adversity, if rightly used, may turn to better Account than Prosperity; altho' the Doctrine of Providence obliges us to submit with Patience, Contentedness and Cheerfulness. Altho' they are always just on God's part, always permitted or inflicted for wise and good Ends, and which therefore should inspire us with Humility and Meekness, with Repentance towards God, with Charity and Forgiveness towards Men; nevertheless Sufferings not being natural, but accidental to Religion, introduced from the Corruption of Humane Nature, by way of Discipline and Correction, We are allow'd by the Divine Goodness, and in some measure are bound (with fit Restrictions and Limitations) to pray for a removal of them from God's hand, and from any others who may be instrumental either to our Afflictions, or Relief, and if we can find any Alleviation and Abatement, We have a new Opportunity of exercising another Act of Religion, of praising God, and being thankful to Men.

If therefore any Charitable hand, will either help us to mend our Circumstances, or contribute to afford us such degrees of Ease and Quiet, as we may wear out the Remainder of our days, under the Burden only of Primative Calamities, in being depriv'd of those Comforts and Supports, which We heretofore did, and others do now enjoy, without the Addition and Augmentation of positive ones. We shall think our selves highly oblig'd both to pray for them, and also to make the best Expressions of Gratitude We are able, suitable to the measures of Tenderness exercised towards us: And even without any of these We hope we shall never be wanting to exercise that Christian Duty of Charity, as to pray for them, that God will always afford them.

them that Mercy and Compassion, which we want our selves; and cannot obtain from them.

This Author indeed tells us, that his Pamphlet *contains a* ^{Prof.} *kind Invitation* to Us, and if it does, it ought to be as kindly receiv'd by us; But if instead of an *Invitation*, it be only a Summons to surrender by a time-perfix'd, or else to expect Military Execution, 'tis a *Kindness* with the utmost degree of unkindness in the Belly of it; If a Friend of our Author's should invite him to his House, and tell him he should be very welcom; but tell him withal, that if he did not come, he would certainly cut his Throat, or (which is all one) would instigate others to do it, who were more able. I suppose our Author would think the *kind Invitation* a little roughly manag'd, and would desire him hereafter to keep his Kindness to himself. This is the very Case, For he adds in the same Preface. *If they shall make an ill use of it, that is, if they do not forthwith what he advises, then they will be more inexcusable, and the Nation will be blameless, if a Law shall ever be promoted to exclude them absolutely from the Benefit or Protection of the Government; That is, if they are totally divested of all the Rights and Liberties of Englishmen, made Outlaws for ever, and expos'd to be knock'd on the Head, by every man who hath a mind to it.* This is an Invitation after the Method of *France*; the *French* King kindly invited his Protestant Subjects to become Profelytes, and order'd the writing of several Books to perswade them; but when they declin'd Compliance, he back'd his Invitation with *Dragoons* and the *Gally's*.

A man had need be very sure of his Reasons, and of the Sincerity of his Kindness too, who makes the consequence of Refusal so terrible. And I am confident that nothing in the World can justify such measures of Proceeding, but the plainest Proofs and clearest Evidence of Truth and Reason, the highest Wisdom and Judgment in managing them, together with a hearty and upright Regard to the Welfare of the

the Persons concern'd, and where any of these are wanting, the Proposal is all over bloody, and an implacable Thirst after the Destruction of other Men. Almighty God indeed commands Men to accept of His Invitations upon pain of Death, but then as we are absolutely his, so His infinite Goodness and Wisdom warrant the Severity of His Cominations; His Omniscience discerns all the degrees of Stubbornness and Contumacy; and yet after all, after manifold Tryals of Lenity and Forbearance, he smites only the absolutely incorrigible: But for daring Mortals, who have neither Wisdom to see their own Errors, nor those of other Men, much less to distinguish between Mistake and Malice, to set up a few weak and trifling Reasons, and then command all Men to submit to them upon pain of Destruction, argues equal Arrogance towards God, as Cruelty towards Men.

Why should this Author be so conceited of his own Reasons, as to think that the not being convinc'd by them, argues the utmost degree of Incurribleness? Or if he thought so well of them himself, Why should he think that we must do so too? And if they are not as Clear and Convictive to us, as (perhaps) he thinks they are to him, 'tis impossible that, upon that Account, we should be left *inexcusable*. Men Reason different ways, and see things by different Lights, according to differing Methods of Education, Studies, and even Temper and Constitution, and 'tis a Monstrous Disproportion of Punishment, that we must be Undone and Perish, because we have not Heads of the same make with the Author. He pretends indeed, to Reason with us upon our own Principles, but then either he does not know them, and that in him is culpable Ignorance, or he conceals them, and that is more culpable Hypocrisy.

Is it not enough, that we have bore the Burthen of Calamity for Thirteen Years together? Will no Time nor Sufferings assuage that Bitterness of Spirit? But that it
still

still pursues us through a long Series of Adversity, even to a Period of final Destruction, and Extirpating of us Root and Branch? 'Tis matter of Wonder and Astonishment, that there are Men, who call themselves Christians, the followers of the Merciful *Jesus*, who after the several Stages of Affliction that their Brethren have Travelled in, are still, for the very same thing, calling out for new Methods of Vengeance, and irritating the Government to accumulate Sorrow upon Sorrow, to add one Weight to another, till they are Press'd to Death.

Poverty and Meaness, which is a Safeguard to all Men else, must, it seems, be no Security to us; we hoped that when we had parted with all for our Consciences, we had stood out of the way of Envy, Innocence guarded with Indigence, is doubly Fortify'd. We have seen mighty Offenders, who, by quitting their Posts, have Satisfy'd the Cries of Justice, and they permitted to Enjoy the Spoils, without Reproof, and without Molestation. But our withdrawing must stop no Prosecution, and altho' it hath left us nothing, yet that Nothing must be as keenly pursued as if we had the Wealth of the Nation to Account for, our very Rags are Criminal, and when we are Stript to the Skin, our Nakedness must be Scourg'd, and like Weather Glasses, the Lower we fall, the Higher the Storms arise.

This Author tells us, *'Tis hoped none will be so weak as to suppose it (his Inviting Pamphlet) proceeds from any Apprehension of their Party, or Interest in the World.* And he is much in the right, neither he, nor any other are so weak as to be Apprehensive of our Party or Interest. But then, What makes them so free with their Threatnings? What makes them perpetually instigating the Powers of the Land to load us with New and more Dreadful Pressures? Is it a Reason to be Disfranchis'd, to make our very Beings Criminal, and Penal, and to lay us under the utmost Terrors of

Pres.

of Law: because no Body is so weak as to be Apprehensive of Us or our Interest? All Mankind are agreed, that nothing can warrant the Extremest Rigors and Severities, but as Extreme Necessity; and Penal Laws, especially of a high Nature, were always forc'd from Wise and Good Governments, but never their Choice. But our Author puts this out of the Case; For if he hopes no Body will be so weak as to be Apprehensive of Us, 'tis plain that he himself is not so weak; And yet, at the same time, turns us over to the most Dismal Penalties he can think on: 'Tis not necessary (by his own Confession) that we should be Destroy'd, but we must be Destroy'd however. If this be not, What is it to be Cruel for Cruelty's sake? To subject us to the most rigorous Severities, not only without absolute Necessity, but for no end in the World; Neither God, nor Good Men, nor Good Laws, did ever Punish for the sake of Punishment. And if there be no Necessity, 'tis mere Wantonness; and at length our Author's distinguishing Kindness ends in this, that, like some of the primitive Christians, we must be expos'd to the Lions, merely for Sport.

Pag. 15. He further tells us, *That had we liv'd under the Despotick Government of Lewis XIV. we should have found before now, if we had been so fond of our old Master, we should have gone to him, there would have been no living for us. We would have had a time set, to comply or depart the Kingdom, we would have had no Benefit of the Law to recover our Right, but have been oblig'd to do every man Right, and bear every Wrong.* These are indeed severe things in themselves, and no doubt would be so in France or any where else. But it seems they are the very same that our Author hath provided for us here in England. We need not cross the Seas, to save that labour, he hath transplanted them into our own Soil; for all these frightful Cruelties expatiated on with so much Rhetorick, are but his own Terms in other Words,

Words, and this is only a *French* Paraphrase of his own *English* Proposal. *The Nation will be blameless, if a Law shall ever be promoted to exclude them absolutely from either the Benefit, or Protection of the Government.* That is in the *French* Dialect. *We should have no Benefit of the Law to recover our Right, but be oblig'd to do every man right, and bear every Wrong.* And that is again in plain *English*: *To be excluded absolutely from either the Benefit, or Protection of the Government.* Now if this be the Case, what is the difference between a Despotick Government, and a Government founded upon Law? What is the difference between an Arbitrary and Cruel Administration, and a mild and merciful One? If in each Government the Treatment of Persons under their Power must be the very same to all Intents and Purposes? If Men in the same Circumstances, and for the same Reasons must equally *be put out of the Protection of the Law, must have no Right, and bear all Wrong.* In vain do we talk of *English* Liberties; if we must go to *France* for Presidents of Penalties, and take Patterns for Imitation from the most arbitrary Government in Christendom. I take it for granted that our Author's flourish upon *Lewis XIV.* was never design'd as a Panegyrick on the goodness of his Government; but it is the Copy he hath set himself, and he would have it exercis'd upon us. This sure is no inviting Character to recommend his Proposal to *Englishmen*; And the sanguinary Methods of *France* are no such tempting Things to invite our Nation to transcribe from them. And he will have much to do to persuade them, that what is Savage and Barbarous in a Papist, so soon as it is translated into Protestant hands, immediately commences Mildness, Good Nature, and extraordinary Charity.

The Nature and Constitution of the *English* Government is quite of another Temper, there is no room for

furious and arbitrary Will to ravage and depopulate at
 pleasure, but the exercises of Authority are confin'd with-
 in the Bounds of Law, and those very mild and merciful
 Laws too, and, next to the Laws of God, there are none
 in the World more compassionate than our own; They
 will not suffer a *Butcher* to be a Juryman in Cases of Life
 and Death, lest his Trade in Blood should harden his Con-
 stitution, wear out the Compassion of an *Englishman*, and
 warp him towards Cruelty. But the Equity of them never
 appears more than in proportioning Punishments, not
 only to the Nature and Quality of the Offence, but to
 the Condition and Circumstances of the Offender. This
 is the express Provision of *Magna Charta*. *A Freeman shall*
not be amerç'd for a small Fault, but after the quantity of
the Fault, and for a great Fault after the manner thereof,
saving to him his Contenement or Freehold. And a Mer-
chant saving his Merchandize. And a Villain saving his
Wainage. A Peer shall be amerç'd by his Peers, and after
the quantity of his Trespass. No man of the Church shall
be amerç'd after the rate of his Spiritual Benefice, but after
his lay Tenement, and after the Quantity of his Trespass.
 Here is Justice indeed, but exceedingly temper'd with
 Mercy, and the Law in assigning Punishments hath a
 double Aspect, one upon the Quantity of the Offence, as
 never to exceed that, of what Abilities soever the Offen-
 ders are, the other on the State and Capacity of the Offen-
 der, to lower and sink them to the proportion of his A-
 bilities. The Equity of this extends to all parallel Cases:
 So that Predatory Punishments (in Cases not Capital)
 that devour a Man and his Family, and which exceed ei-
 ther the nature of the Crime, or the measure of Men's
 Abilities, seem directly repugnant to the old Standards of
 Justice and the fundamental Rights of *Englishmen*. Now
 upon this general View, We may easily estimate whether
 our Author's Proposal, be suitable to the Methods of our
 An-

Ancestors, and to the Temper and Mildness of the *English* Constitution: To be *Excluded ABSOLUTELY* from the Benefit and Protection of Law, is but all Punishments in short: A compendious Summary of all possible Severities, 'tis not only to be divested of all Property, but of Freemen to be made Slaves; and that not to one Lord, but to every man in the Nation, to be obnoxious to all the Penalties the Law can inflict, and to all too that can be inflicted without Law, that is, 'tis as many several Penalties, as arbitrary Malice, or wanton Cruelty can invent. 'Tis *Ælia Lalia Crispis*, neither Treason, nor Murder, nor Felony, nor Misdemeanor, nor Trespas, but All. Neither Fine, nor Imprisonment, nor Confiscation, nor Banishment, nor Premunire, nor Hanging, but All. And now is there any need to ask, whether such a *Hydra* of Miseries [with a thousand Heads, and every Head as many Stings] be an adequate and equal Punishment, for no actual Attempt against the Government or Laws, no Violation of any one Man's Rights? The Case in question is neither more, nor less than a pure and single Negative, the not taking the Oath. This is intirely to destroy the Ballance of Justice, and there is no need of Scales, where every Offence is equally ponderous and comes up to the utmost Standard. The nature of Crimes is confounded, and there is no distinction between small and great, (that is in point of Punishment, where especially there is most need of Distinction) Omissions and Commissions are in the same Predicament, and Justice is blind on the wrong side, instead of having no respect to PERSONS, hath none to Causes, but with an undistinguishing and unrelenting hand, promiscuously scatters Vengeance upon all alike: Upon this foot let every *English* Man hear the Equity of this Proposal, *That without any Compassionate savings, without any regard to the Weight, Quantity, Manner of the Offence; Peers, Freemen, Merchants, Churchmen together with*

with their Peerage, Freeholds, Merchandize, Ecclesiastical, and Lay Tenements must for ever for one poor Negative, be indiscriminately swept away with Destruction, and expos'd to the utmost Rigors, a Nation can inflict, or Men can bear.

If it be said that this Negative, contains something Positive, and implies Malice and Enmity against the Government. I answer, this is *their* Construction, not ours; Why may it not imply as well tenderness of Mind, and Conscience towards God? Or why may it not imply a disability to wind our selves out of our former Principles? Charity would think one of these. However the Law knows no *Constructive* no more than it does *Accumulative* Treasons, nor Punishes Men by Implications and Inferences, but from plain and evident matter of Fact. 'Tis hard that they will Judge of our Thoughts, but 'tis harder yet to fasten an Arbitrary sense of them, and then to Punish that Sense of their own Imposing, which is to punish not our Thoughts, but their own, nay 'tis to punish us for their Thoughts. 'Tis certain no Man can know our Thoughts till we our selves Manifest them by some Overt Acts, by which, and by which only the Law judges; for altho' the Heart is the Traytor, and so it is the Thief and the Murderer too, yet that which makes the Treason, or Felony fall under the Cognizance of Law, and become the Object of Humane Justice, is when the Enmity within is declar'd by *Overt Acts*, that is, not every Act, but such only as in the Eye of the Law, are fully, plainly and evidently declarative of it. Exorbitant Stretches, especially in Penal Cases, have always been condemn'd by Men of Equity and Temper, but never more than in this Reign; which (We are told) is a Reign of Liberty, founded upon the People's Rights, and that now their Liberties, are not only preserv'd intire to them, but much enlarg'd; and an *Englishman* who was always free, is now freer than ever before. And certainly *Freedom* and *fundamental Rights*, are not ambulatory and moveable, to serve only to make Complaints with when
Men

Men are out of Power, or hardly used themselves, but are fix'd and rivited in the Constitution, and from thence (like Vital Spirits) are dispers'd to all parts and Branches of the Body Politick. And if there be such a thing as *Liberty*, 'tis certainly general and common to all, and not enclos'd by any Body, or Party of Men whatsoever.

Without looking into the Conduct of other Nations in such Cases, We have in our own Examples perhaps of as many Revolutions, as any other Kingdom in the whole World. Since the Conquest (where our Histories run the clearest) We have had many instances of the Great Turns of State; of the Rise and Fall of several Parties and Interests; And particularly in the days of King *Stephen*, *Edward 2.* the Two *Richards*, the long and bloody Contests, between the two Houses of *York* and *Lancaster*, and in the days of *K. Charles 1st.* And indeed it must be confess'd, that upon the various strugglings for the Government, under differing Claims and Pretences, much *English* Blood hath been spilt, many Brave and Gallant Men destroy'd, many Noble and Honourable Families for ever extinguish'd. But if this be narrowly look'd into, it will appear in all the respective Times, That this was mostly in the Field, *Flagrante Bello*, and in the Heat of Blood; And I think I may truly say, *only* and *peculiarly* with respect to it. For so soon as the Sword of War was sheathed, whatever Party had the better, those few Attainders that were made afterwards deliberately and by Law, were only of Military Men, who actually fought with, and oppos'd with their Lives and Fortunes the Claims and Pretences of the Prevailing Party, and not the thousandth part of them neither, and much less of any others: And of this, besides several others, We have a mighty Instance in the Reign of *Henry 4th.* which was a Reign of Pardons, and particularly the Generous Pardon he gave to Bishop *Merks*, after his Tryal and Condemnation at the
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Old Baily, who had so openly and freely oppos'd him, and his Claim in Parliament. And I believe there is not one single Instance in all our Histories, under all the various Concussions of State, that the Storms of the respective Revolutions ever fell upon one single Man, who had not been in Arms, however he might, in Opinion and Judgment, be thought a Favourer of the other side. And even these Severities, were thought by *Henry the 7th* and his *Parliament*, so harsh and cruel, so contrary to Reason and Humanity, *against all Laws, Reason and good Conscience*, as the Act expresses it, That they did all that Men and Law could do, to put a final End to it, That such Proceedings and Practises might never more be seen in the *English Nation*. This is that famous Statute (*11 Hen. 7. Ch. 1.*) which expressly provides, *That from henceforth no manner of Person or Persons that attend (the King for the time being in his Wars, or act by Commission from Him) be in no wise Convict or Attaint of High Treason, ne of other Offences for that Cause by Act of Parliament, or by any Process of Law, whereby any of them shall forfeit Life, Lands, Tenements, Rents, Possessions, Hereditaments, Goods, Cattle, or any other Things, but be utterly discharg'd of any Vexation, Trouble or Loss. And if any Act or Acts, or other Process of Law hereafter happen to be made contrary to this Ordinance, that then that Act or Acts, or other Process of Law whatsoever stand and be utterly void.* This is certainly the utmost Provision of Law, and 'tis impossible that any stronger can be made by Men. And whatever other Construction may be made of this Statute, 'tis evident that hereby all violent Excesses of Revolutions are not only restrain'd, but perfectly taken away, that however it may happen in the Field and in the Heat of War, yet that no after Ravages should be committed, and Men should not be destroy'd by Law, who had escaped the Sword. I need not reflect how suitable this Law is to the mutable Estate
of

of Mankind, and the Vicissitudes that constantly accompany all Humane Affairs ; And that the contrary Practise in the foregoing Revolutions, was nothing else but a Seed-plot of Destruction, making Sorrowful Precedents of Revenge, which, upon every turn of State, was sure to be follow'd Home, and retaliated with Interest. But, it is very remarkable, that when K. *Henry* was the Regnant Power, and in Possession of the Laws, instead of sharpening the Edge of the Laws in being, or contriving new ones to Impeach, or Detect his Adversaries, he should take the direct contrary Course, and provide by the strongest Law he could make, that none of his own Followers, and Adherents shou'd be Impeach'd, or suffer by any Course of Law, for assisting him: And, the Circumstance of Time makes this yet more Remarkable. When the Dutcheß of *Burgundy* (an Implacable Enemy to him, and his Family) was from Abroad, setting on foot all possible ways to disturb his Peace, when there were Spurious and Supposititious Titles set up against him, and, when he knew the Favourers of the other House at Home were neither few, nor Inconsiderable, in this very Juncture, and in the flagrancy of *Perkin Warbeck's* Pretensions, and Motions, instead of sending a Scrutiny throughout the Land, instead of framing Tests to discover Mens Intentions, and try how they stood affected ; he takes especial Care to put an Everlasting Period to the Bloody Methods of former Revolutions, and that his Followers might be Indemnified from all Attainders, Convictions, or Forfeitures for adhering to him, and Serving him in his Wars. This Wise King, (and a Wiser perhaps never sat on the *English* Throne) no doubt, did what he esteem'd best for his own Security, and he thought this Method tended more to his Establishment, than all the Sanguinary Proceedings, and Inquisitions in the World. And, his Wisdom did not fail him in this, no more than it had done in other great Instances.

Instances, for, hereby he became an easy Master of his Enemies, Reign'd gloriously himself, and transmitted a clear and uncontested Crown to his Posterity, and who reign'd for the most part in Peace, and without any considerable Interruption for five Generations, till in the Reign of the Sixth there arose a Sort of Men, whom neither this Law, nor the Law of God, nor all Obligations Divine and Humane could hold from laying violent hands on, not only the Followers and Adherents, but the sacred Person of the King Himself.

And this is the next Period of Revolutions in this Nation, and which indeed was of a Dire Complexion, more Tragick and ghastly than any that went before, and yet more mild and merciful, than our Author's kind Proposal. The Reign of the Covenant was Fierce and Cruel, turn'd out all that wou'd not swallow it; but then there it left them, its Rage was satisfy'd with their Places and Preferments, without further Pursuit of their Persons, *An Englishman* might be a *Non-Covenanter*, and yet an *Englishman still*, the Laws were as open, all other Priviledges as free to him, as to the most Zealous Covenanters; And so soon as he was thrust out of his Office, he knew and felt the worst of it. And altho' the Military Executions were very bloody and Cruel, altho' the Violences upon particular Men were very Inhumane and Brutish, altho' the Compositions for Delinquency (the then stile of Loyalty) were very exorbitant, yet all this notwithstanding there is nothing during that whole Interval of Perfidy and Treason, of Fury and Violence, that can match the Dimensions of our Author. For even in the heat of War their Sequestrations had Savings, and there was a Reservation of a fifth Part of the Estate for the Maintenance of the Wife and Children; And afterwards when they became Masters of the Field, and of the whole Kingdom, they forc'd the Royalists, who had bore Arms against them to hard Compositions,

(15)

positions; and at length disabled them from holding any Office of Trust, and from giving their Voices for Election of any Person into such Office, which, tho' very hard and unequal, tho' it was a very Intemperate and Unchristian use of their Prosperity, was notwithstanding far more moderate than the Treatment our Author prescribes, for when they had pass'd their Compositions, the Remainder of their Estates, and themselves were free, and a disability to bear Office or chuse Officers, did not disable them from any other Benefit or Protection of the Law, but bating these particular Exceptions and Limitations, all other Advantages of the Law were left open and intire to them. This was the Case during the whole Reign of the *Covenant* and *Directory*, These Men had forc'd themselves into the Possession of the Laws, and the intire Power of the Nation, they had their Adversaries in their hands, and intirely at their Disposal, they knew their Sentiments and Opinions, their steddly and immoveable Loyalty, had felt the Force of their Arms in that Cause. Yet in these Circumstances these Men (not the most merciful in the World) thought something else became them than to annihilate their Adversaries; and root out their Name and Memory from the face of the Land. The Conclusion from hence is, That if their Mercies were cruel (as indeed they were) yet in comparison of our Author's, they are Mercies indeed, and must be so accounted.

'Tis true, when they had arriv'd to the highest pitch of Villany, when they had murder'd the King, and harden'd themselves with Royal Blood, then, and not till then, they came up to the size of our Author; for then an *Engagement* was fram'd, with our Author's own Penalty upon the refusal to subscribe it, and 'tis probable he transcrib'd it from thence; for there is no other Instance of any such Proceeding, or any thing like it, throughout the whole *English* History. But this sure is no Inviting

Precedent ; the unparallel'd Impiety of that Act, will surely reflect everlasting Infamy on the Persons and Example of the Actors ; and let it for ever be remember'd, that the Authors of the *Engagement*, and of the Act for the Tryal and Murder of *K. Charles* the First, were the same Persons ; and then let every *Englishman* try his Constitution, whether it be fit to write after the Copy of the most Bloody and Barbarous Sett of Men that ever yet appear'd on the *English Stage*. And yet even this will admit of Mitigation and Abatement ; For how terrible and severe soever it was in the Enacting, yet the Execution, either never at all ; or very rarely came up to it. The *Presbyterians* cry'd loudly against it, both wrote and preach'd against it, with all the Earnestness and Violence they were able, and doom'd the *Subscribers* to the Pit of Hell ; and yet as far as ever I could find, not one of them (nor perhaps any other) ever smarted under the Penalty of it.

Whitlocks
Mem. p.
428.

Scob.
Collect.
pt. 2. pag.
277.

However, upon the next Turn, when *Oliver* got the Reins in his hands, he totally abolish'd the *Engagement*, with all its hideous Train of Disabilities and Incapacities, and restor'd the Course of the Law indifferently to all Men ; And the Preamble of this Ordinance is remarkable ; *Whereas many General and Promissory Oaths and Engagements in former Times impos'd upon the People of this Nation, have prov'd Burthens and Snares to tender Consciences, and yet have been enacted, under several Penalties, Forfeitures and Losses ; upon Consideration whereof, and out of a Tendernefs of requiring such Obligations, &c.* And this he prov'd true to all his time, and this Ordinance was confirm'd 3 Years after by his Parliament. He knew the Persons and Tempers of the Royal Party as well, perhaps better than any man in the Nation ; He knew their Principles, and Vertues, their steady and unalterable Loyalty ; He knew further they were irreconcilable Enemies to him and his Govern-

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Government; and yet notwithstanding during his whole time, there were no *Insuring Oaths*, nor *hampering Tests* generally impos'd. And if this was done out of *Tenderness*, as he pretended, it had so far a Shew of Piety, as not to be instrumental to the prophaning and dishonouring the Name of God, by dreadful Menaces and Terrors to compel Men to forswear themselves; however, let it be for what End it would; let it be Magnanimity, Generosity, Policy, or any thing else, it was certainly better for them, and probably for himself too, that when he had them in his Power, he did not provoke them for the saving their Carcasses to damn their Souls by Perjury and Hypocrisie; nor yet to make their Refusal an inhumane Opportunity to revenge or enrich himself: He knew, as well as any man, how to dive into their most secret Contrivances and Councils, but his Methods for this were not by setting on foot, (nay he perfectly laid aside) a State Engine to rip up Men's Consciences, and make their inmost Thoughts the Objects of Punishment. The Act that was fram'd for the Security of his Person, and at that very time, when there were actual Endeavours both at home and abroad to unsettle him, as both the Histories of these Times, and the Preamble of the Act it self expresth it *as well in foreign Parts beyond the Seas, as also within this Nation*; Yet the Security that he and his Parliament provided, was only against actual Attempts and Overt Acts; *Shall attempt, compass; or imagine the Death; and such Attempting, Compassing, or Imagining, shall declare by open Deed, or shall levy War, or Plot, Contrive, or Endeavour to stir up, and shall by open Deed declare such Endeavour.* This was all the Security he had, and (as far as appears) all that he requir'd, and the rest he left to his own Vigilance and Care; He knew by Experience, that forc'd Oaths were no Support of any Government in the world, it might ensnare their Consciences,

but would prove no Security to him; Men's Fidelity arises from the Sense of their Duty, and where that is, an Oath is needless; where that is not, the Oath will always be esteem'd rash or sinful, and consequently, not obligatory, it may involve them in guilt, but can never bind them. And therefore he quitted this Method either as fruitless or noxious; there were no such things generally impos'd on the Nation during his Government, and as far as I can find all the Pubick Oaths were His to the Commonwealth, and the Members of his Parliament to him: and consequently that no man suffer'd as a *Non-Juror* in his time; and I may add none out of mere Disaffection or Enmity to him, but only for actual attempting against him; He kept up indeed their Disability for Places of Trust, but for other Advantages of Law, they were free to all, and no man excluded.

But there is one thing in his Reign, that I ought not to omit, which looks like Compassion and good Nature, but from what Root soever it sprang, it deserves to be taken Notice of; There were no Men in the World next to the King, and the Royal Family, that he hated more than the Orthodox Clergy of the Church of *England*, and he could not do otherwise, for their Principles were directly and irreconcilably opposite to him and his Government, and no Application could ever procure from him a Toleration for them, as he had granted to all other Protestants, of all Denominations. And in pursuance of this, he makes an Act to eject them from their Livings; and to be sure to have it done effectually, a Sett of Commissioners are appointed in every County, and empower'd to displace them; But then the Act contains this Proviso, *That in Case the Minister so displac'd, hath no other Temporal Estate sufficient to maintain his Wife and Children; then the said Commissioners shall allow unto the Wife and Children of such Minister, so ejected, for their Maintenance,*

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a Proportion not exceeding the fifth Part of the Profits of such Benefice, and which the Commissioners are authoriz'd. to cause to be paid; and in default from time to time to sequester the Profits for the Payment thereof, and all Charges in and about the same, during the Life of the ejected Minister.

And this was not a sudden Transport of good Nature, no such hasty Blast of Favour as immediately to cool, but a settl'd Resolution; For two Years after, this Ordinance was not only confirm'd by his Parliament; but a new Act was made, - and which seems to be somewhat more advantageous to the depriv'd, *viz.* If the *ejected Minister have not of real Estate 30 l. per Annum, or 500 l. of Personal Estate, then he is to be allow'd a Fifth Part during Life.* So that it seems the Doctrine of *Absolute Exclusion* was a little too rigid for the hard Heart of *Cromwell* himself; He mortally hated the Loyal and Orthodox Clergy; he knew they never did, never could own him; and he depriv'd them indeed and turn'd them out, but then not only left them the Protection of the Law, but provided out of their Benefices a Proportion for their Subsistence.

To close up this, I crave leave to add a pertinent Story. When *Bradshaw* sat Judge at *Chester*, there came before him a Cause of *Meum* and *Tuum*, between a Creature of the Government and a Royalist; a mercenary Lawyer, thinking to prejudice the Royalist's Cause, begins to fall foul upon his Person, to represent him as a Delinquent and Malignant, an Enemy to the State and present Government, and one who had been in Arms for the late King. But *Bradshaw* soon stop'd his Mouth, and upon that made a solemn Speech to the Auditory, importing how indecent it was to fall upon the Afflicted, how harsh and unseasonable to revive and bring into Men's Minds the Miseries of the late Troubles; That the Case before him was not Matter of State, but private Property; that he sat there not to judge of Men's Persons, or private

private Opinions, but Causes ; and that for his part, he would endeavour to his Power to administer Justice equally and indifferently to all Persons. This I had from one of the Auditors : And if our Author please, let him review his kind Proposal, and see how he likes it, when it falls so far short of the Temper of the most insolent and bloody Regicide, that ever this, or perhaps any other Nation, hath bred.

Upon this short View of the Revolutions in our own Nation, 'tis easie to see how much some Men are mistaken in their Politicks, as well as Humanity, when they are so frequently crying out, If you do not own the Government, you ought to have no Protection ; if you do not Swear, you are Inexcusable, and ought to be absolutely Excluded from the Benefit of the Law ; if some Men had the handling of Thunder, the World would quickly be made thinner ; but, Governours, as they are in high Posts, so they are high in Wisdom, and manage their Affairs, not by Passion, and little Sentiments, but by exact Measures, they know, that Lenity and Forbearance tend more to their Establishment, than Rigid, and Austere Methods ; and this, as 'tis always true, so it hath moreover an addition of Justice, with respect to Revolutions, in Hurricanes, and Tempests of State ; 'tis Impossible that all Mens Minds shou'd be settled, and 'tis Impracticable to attempt it. Governours have the Temptations of Honour and Profit of their Side, and, if that will not do, to be sure Force will not, which never yet gain'd any Man's Assent, tho' possibly, it may an outward, and Hypocritical Compliance ; and, if the Government hath not a Man's Conscience, he hath not the Man, let him Swear never so much ; and, if he be driven to it by Terror, and Compulsion, he is but so much the more imbitter'd, and more Enabled too to act with Prejudice. And, so long as there are different Sentiments in a Nation, 'tis certainly
better

better for any Government, to have them stand distinguish'd, forthen they are known, may be easily watch'd, and their Attempts (if any such should be) as easily frustrated; but, if they are forc'd to Incorporate into the Multitude, and made capable of the Advantages of the Government, they are thereby only made capable of doing more harm, if they are dispos'd to it, and that even by an Authority, and Interest, deriv'd from the Government it self, Upon these, or perhaps better Reasons, the foregoing Revolutions ever declin'd the drawing Men by Violence, and Racking them into Compliance; and, the Good, and the Bad, the Gentle, and the Tyrannous, have thought it hitherto enough for their Security, to hedge in their Persons by the Fences of Law, against all Attempts, and to fill all Places of Power and Trust, with their own Adherents, and, for the rest, to leave them at quiet if they would, or to be otherwise at their Peril; and, this middle way, as 'tis most agreeable to Reason, Humanity, and Interest of State, so it hath been verified in Fact, for, 'tis the Path, that I believe, all Revolutions have walk'd in, to be sure all our own, except one single Instance, which, as it was never put in Execution, so it is an Example of Men so prodigiously Lewd, and Scandalous, so abominably, and above measure Impious, that 'tis a Horror to think of them, and much more to Imitate them: And the Tyrannies of *Nero*, or *Helio-gabalus*, are more Imitable, and fit for Example.

And yet, after all, we humbly conceive, that our Case is more favourable than any that went before, in several Respects.

There is this considerable difference between this, and former Revolutions, That as all former Revolutions were acquir'd by the Sword, and passages thro' Blood, and that not only of their Adversaries, but their Friends, so the Slaughter of their own Party rankled in the Minds of the Victors

Victors, and begot Heart-Burning, and Revenge ; but in our Case, the Ascent to the Throne was easie and safe, without Bloodshed, without Opposition, and consequently without any provoking occasion to Exasperate, and In-flame the Passions, here was no room for Reprisals, none for attoning, and pacifying the Ghosts of the Slain. When K. *Edward* the Fourth came to *York*, he saw the Head of his Father, and of others, his Friends, yet remaining upon the Walls, and this did so incense him, that he forthwith caus'd his Prisoners, the Earl of *Devonshire*, and three others, to be Beheaded, and their Heads placed in the room of the others, of which Action, *Habington*, p. 19. (the Author of his Life) makes this severe, but just Reflection. *An action too much favouring of the Ancient Heathen; the Souls of Christians no way requiring their Murthers to be reveng'd, or their Injuries appeas'd with such an Offering.*

The Principles of the Respective Parties concern'd, either in high Posts of Legislation, or otherwise under the Government, seem to plead for us, and to be Advocates for Mitigation and Forbearance. And if they please to consider them in their just consequences, We presume they will find them moving in our Favour.

There are two general Parties in the Nation, however subdivided ; the *Dissenters*, and the *Church-Party*, The Dissenters for a whole Age, and more, have been loudly inveighing against *Persecuting tender Consciences*; and by Conscience, we presume, they do not mean only their own, but other Men's also, when it is truly Conscience, and not pretended, nor that this was a Temporary Doctrine, calculated for Seasons and Opportunities, and fit only to be taught their Governours, when they themselves were in a state of Suffering, but constant and permanent, as fit for them to learn, when they are in Power, as when they were under the Power of others;
And

And this can only evidence the Sincerity of their Pretensions, and shew that it was not Clamor, but their true Judgment, when they shall be as ready to exercise it towards others when it is in their hands, as when it was not to demand it for themselves. Further yet by Conscience, We presume they do not mean only a rightly inform'd Conscience, for there is no doubt that Right ought not to be Persecuted, but such a Perswasion of Mind, which must ultimately guide a Man whether he be in the right or wrong. That is, when a Man uses all honest Endeavours, and his best Skill rightly to inform himself; and if after this he happens to be in an Error, 'tis rather to be pitied than punish'd. Lastly, by Conscience being persecuted, neither they nor we mean, the Punishment of outward Acts and Attempts, and violations of Law; but such a Perswasion, altho' differing from the Sentiments of Superiors, as is withal peaceable and quiet, offends no man, disturbs no man. Upon these Limitations We think, We may reasonably desire from them the Benefit of their own Principle, and We must confess that in their private Capacities, We have met with fair and moderate Treatment from them; Nor can I think that this *Excluding Project* came out of their Quiver. And this is yet further inforc'd, if they consider that there are two Cases, in which their Sufferings in some measure run parallel with our own, that is, the *Renouncing the Covenant* and the *Sacramental Test*, the one determin'd, the other yet in being; in both these Cases they heretofore did, and yet do think themselves hardly us'd, their natural, and Native Rights violated, and yet the utmost Severity of both these, were only Exclusions from Offices and Places of Trust, which we suffer already, and are contented to suffer. We desire no Places of Profit and Preferment, till we comply to the utmost; In the mean time,

time, if the Terms of Refusal are esteem'd such a Hardship upon themselves, because they cannot in Conscience comply with them; our declining the Oath for the very same Reason will be no Inducement to them, acting consistently with their own Sentiments, to give their helping Hand to lay far heavier Impositions upon Us.

In the next place the *Church Party*, We humbly conceive, have yet more Reason for Moderation and Temper; It is not so long since, as either they or We can forget, that We were One Body, mutually agreeing in, mutually suffering for the same Cause, and (as far as we know) upon the same Principles. And if they please to cast their Thoughts backwards, and review our Behaviour while we walk'd with them; We believe they will find no Reason to suspect our Sincerity, nothing to provoke their Hatred or ill Will, and much less a severe and hard Treatment. But this is a String we must not touch upon, and Modesty bids us forbear; however, as We have always hitherto, so We yet crave leave to insist upon (and We desire to do it without Provocation or Reflection) That the Principles upon which we suffer, were their own, as well as ours; And if they are so still, for them or any of them to be instrumental in laying on our Afflictions, is to prey upon their own Principles; it favours too much of the Cannibal, and is devouring their own Kind; and to see *Passive Obedience* crucifying *Passive Obedience*, is the most unnatural thing in the World, and which can be parallell'd by no other Party or Persuasion besides. And whensoever they concur or give their Vote for our Miseries, in Religious and Moral Construction, they lay violent hands on themselves, and commit Outrage in our Persons, on their own Sentiments, and Thoughts of their Hearts. If it be said here, that We lay these Principles on too narrow a bottom,

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bottom, and we ought to have understood them in their just Latitude. We answer: Be it so; why then, the Consequence is, That the same Principle streightned and contracted, confines the Behaviour within narrower Limits, when the same open'd and enlarg'd, gives greater Liberty in Practice. But 'tis a strange Latitude indeed, and gives a monstrous Turn to it, which impowers it to destroy and devour the same, though streighter; 'Tis certainly the same Principle, however modify'd, and if by vertue of a new Modification it can contract such terrible Qualities, the mildest Principle in Religion may soon be modify'd into the most Savage and Brutish; 'tis but tacking a Latitude to it, and then it may do any thing in the world. However, let the Foundation be what it will, We have laid it no narrower than they have done themselves, our Principles are in their Laws, Books; and Sermons literally and expressly, without any such Latitude, or Caution; and if We have swallow'd them implicitly, or with due and reasonable Care, have examin'd and entertain'd them, some share certainly of the Mistake (if such it be) is owing to them, and they, in some degree, are responsible for the natural Consequences of their own Doctrines and Instructions; And 'tis a hard way of paying of Debts, and attoning for the Inconveniences into which they have lead us, by assaulting us with Vengeance, and helping forward our Destruction. If it be yet further said, that they have quitted these Principles upon good and substantial Reasons, let that be granted too, then that is in the nature of Repentance; And the natural and proper Effect is to produce Compunction and Grief, for having been mislead themselves, and for having been instrumental to seduce others; but it operates the wrong way, if instead of begetting Sorrow in our selves, it serves only to heap

up Sorrow on the Heads of others. This is indeed an Act of Revenge, but the Object is mistaken; For in such Cases, the Object of Revenge is a Man's own self, and there it ought to terminate, and not on his Brother, tho' he be mistaken, 'tis a mere Secular Device and Artifice, and hath nothing at all of Religion, when Men think to evidence the Sincerity of their Change by falling foul on the Principles or Party they have quitted; they may give their Reasons with the best Advantage they can, but sure 'tis fit, that at the same time they withhold their Hands, for of all things Force and Violence are most undecent and unbecoming Qualities in a Convert. And look throughout the World, from the Days of *Cain* until now, and you will certainly find, That Renegado's and Apostates only, have been the Persecutors of their former Brethren, and that 'tis only a Consciousness of forsaking the Truth that sours their Tempers, and degenerates into Fury. For a Recovery from Error upon honest and full Conviction is quite another thing, it always leaves upon the Soul a strong Impression of its own Infirmary, the Experience of their own Errors, joyn'd with the Ingenuity of owning and forsaking them, inspires them with Thoughts suitable, and begets Candor and Mildness towards the Errors of others, with a more particular Tenderneſs to the Case we have been involv'd in our selves; And whatever Arguments for Compassion may be drawn from the lapsable Estate of Mankind, they are tenfold more Cogent and Weighty, if the Lapses were once our own; If we our selves have been overtaken in the same Case, and in the same Instances. So that upon the whole, turn it which way you will, Let the *Party of the Church* either believe the same Principles that we do, or let them hold them in a differing Latitude; or let

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let them perfectly forsake them (which three Divisions we believe include at least nine Parts in ten) in all respects, and with reference to all the Divisions, the thing we are Pleading against, is equally repugnant, and inconsistent, as unaccountably Harsh, and Severe.

We have a Mighty Instance in our own Nation, to Illustrate this whole matter. In the days of Queen *Mary*, we see the false Principles of the *Roman Church*, join'd with the Apostacy of those who complied in the former Reign, spread themselves all over the Nation, in Martyrdoms, and Executions, in all the Bloody, and Violent Methods that Rage and Malice could Invent, or Execute. From whence it hath been well observ'd, That that is a strange Religion which divests Men of Humanity, which, instead of smoothing the Asperities of Humane Nature, Enhances, and Inflames them, and makes them ten times more Fierce and Cruel by Religion, than they were by Nature. But, so soon as the *Reformation* recover'd again under Queen *Elizabeth*, the Spirit of Mildness, and Mercy reviv'd with it. Fire and Faggot were at an End, and the Triumphs of Truth were seen not in Slaughters and Bloody Victims, but in Living objects of Mercy. The Queen her self had been very ill used, and withal, in great danger of her Life; the Provocations in general had been very high, and Exasperating to Flesh and Blood, the Wounds many and deep, and withal, fresh and Bleeding; and, yet behold the mighty Power of Truth, and true Principles, which, instead of pursuing Revenge Abroad, subdued the Tyranny of it within, and tied up the Hands of Power from retributing the like measure on themselves. The Reformation indeed, went on with Resolution and Courage, but it was with great Piety too, as the Case was Religion, so it was Intire, and Uniform in all its Parts;

*Pensiones
legitimas
congruas
competen-
tes ceden-
tibus vel
resignanti-
bus.*
Hist. of
Reform.
pt. 2. p.
400.

Parts ; Faith had not yet devour'd Good Works ; Zeal had not eaten up Charity ; the Name *Protestant* in those Days, meant the *Thing*, a mild, and merciful Religion and which inspir'd all its Votaries and Profelytes with the same qualities. It is true, Non-Compliers were disabled from holding any Offices, and the Clergy were actually depriv'd for refusing the Oath of Supremacy ; but, their Deprivations were so Temper'd with Compassion, and Kindness, that they became not only Tolerable, but very Easie. In the *High Commission*, the Commissioners are expressly Impower'd to assign *fit, and Competent Pensions* to those who were put out, and of which, the Historian saith, *The Prudence of reserving Pensions for such Priests as were turn'd out, was much applauded.* And, if that was all, *Prudence* is a Vertue both Laudable, and imitable ; But much more where Piety is joyn'd with Prudence, and the grounds of such mild Proceedings are Religious, as well as Prudential. Thus upon the indulgent Treatment of the Depriv'd Bishops, *viz.* That *Heath* Archbishop of *York* ; lived securely at his own House in *Surrey*, and was visited by the Queen. That *Tonstal* and *Thirleby* liv'd in *Lambeth* with *Parker*, (the New Archbishop) with great Freedom and Ease. That even *Bonner* himself (the bloodiest of them all) was suffer'd to be in safety, and Skreen'd from the Fury of the Enrag'd Multitude. The same Historian makes this Reflexion : *As the Queen was of her own Nature merciful, so the Reformed Divines had learned in the Gospel not to render evil for evil, nor to seek Revenge. And as Nazianzen had of old exhorted the Orthodox, when they had got an Emperor that favour'd them, not to retaliate on the Arians their former Cruelties, so they thought it was for the Honour of their Religion, to give this real Demonstration of the Conformity of their Doctrine to the Rules of the Gospel, and of the*
Primi-

Primitive Church, by avoiding all Cruelty and Severity, when it look'd like Revenge. Now if these were good Doctrines then, they are certainly so still, and come home to our Circumstances with all possible Advantage, there is indeed a great Disparity between the two Cases, but every branch of the Disparity turns in our favour, and concludes in all respects more strongly for us. We need not pursue the Comparison, a Man that Runs may Read it, both with Respect to them, and to our selves. This Author is now in a Post to give Evidence of his own Doctrine; and, if the *Honour of the Reformation, the Rules of the Gospel, and of the Primitive Church*, have any Prevalency at this Day, we may yet hope to see the Consequences of them in Practice, the same Celebrated Effects reviv'd amongst us, and Demonstrated in real Acts of Clemency, and Forbearance; and therefore, We cannot conclude better, than in the next Words of the same Historian, (which were not spoken Exclusively, but; by way of Panegyrick, as a Noble, and Pious Example, fit for himself, and others to Imitate.) **All this might have been Expected from such a Queen, and such Bishops.**

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